

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

MELANIE LOVELAND, an individual,

Plaintiff,

v.

BALJINDER SINGH, an individual, and
NORTHWEST FREIGHTWAY INC, a
California corporation,

Defendants.

CASE NO.

COMPLAINT
(PERSONAL INJURY; NEGLIGENCE;
NEGLIGENCE *PER-SE*)

NOT SUBJECT TO MANDATORY
ARBITRATION

JURY TRIAL REQUESTED

PRAYER: \$2,317,923.84
ORS 21.160(1)(D)

For Melanie Loveland's claims for relief against Defendant Singh, Plaintiff Loveland
alleges as follows:

FIRST CLAIM FOR RELIEF
AGAINST DEFENDANTS
(Negligence)

1.

Multnomah County is the proper venue for this cause of action as the car crash that is
the subject of this suit occurred on I-5 North just south of the Washington state line in
Multnomah County.

2.

On or about August 10, 2020, and at all times material, Defendant Singh was the driver of a 2021 Cascadia Freightliner that was owned by Defendant Northwest Freightway Inc, and was acting within the course and scope of his employment with Northwest Freightway Inc.

3.

On August 10, 2020, Plaintiff was driving her 2017 Honda Civic northbound on I-5. At the same time, Defendant Singh was operating his 2021 Cascadia Freightliner, owned by Defendant Northwest Freightway Inc, northbound on I-5 behind Plaintiff. As Plaintiff slowed her vehicle to a stop to accommodate slowing traffic ahead, Defendant Singh failed to stop, rear-ending Plaintiff's vehicle and causing her serious and significant injury.

4.

Defendant Singh was negligent in one or more of the following particulars:

- a. In failing to keep a proper lookout;
- b. In failing to maintain proper control of his vehicle;
- c. In failing to exercise care to avoid a collision;
- d. In failing to slow or stop for traffic; and
- e. In failing to otherwise avoid the collision.

5.

As a direct and proximate result of Defendants' negligence, Plaintiff sustained the following injuries:

- a. A tearing, twisting, and wrenching of the muscles, tendons, ligaments, bones, nerves, and soft tissue of the neck, left knee and upper back;
- b. Significant spinal injury including disc herniation at C5-6 resulting in severe left C6 nerve impingement requiring total disc arthroplasty;
- c. Left foraminal disc herniation at L3-4;

- d. Left foraminal disc herniation and bulging at L4-5; and
- e. Cervical and lumbar pain requiring facet injections.

6.

As a result of Plaintiff's injuries caused by Defendant Singh's negligence, Plaintiff was, and continues to be, rendered sick, sore, nervous, distressed and afraid to drive. She has endured pain and suffering, loss of enjoyment of life, duress while working, mobility impairment and limitations of her daily life, work and recreational activities. Plaintiff's injuries are permanent in nature and life-long, and she is therefore entitled to her non-economic damages in an amount determined by a jury, but not to exceed \$2,000,000.00.

7.

As a result of Plaintiff's injuries caused by Defendant Singh's negligence, Plaintiff has incurred economic damages as follows:

- a. Reasonable and necessary medical expenses in the approximate sum of \$29,208.84, an amount which is continuous and ongoing, and which may be amended at or prior to trial;
- b. Future medical expenses for surgery in the estimated amount of \$48,475.00; and
- c. Wage loss, impairment to her earning capacity and future lost wages in the amount of \$240,240.00.

PLAINTIFF'S SECOND CLAIM FOR RELIEF
AGAINST DEFENDANT SINGH
(Negligence *Per Se*)

8.

Plaintiff re-alleges and incorporates paragraphs 1 through 7 herein.

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9.

The following acts of Defendant Singh substantially caused the collision, violated the cited Oregon statutes, and constitute negligence *per se*:

- a. In failing to keep a proper and careful lookout, in violation of ORS 811.005; and
- b. In recklessly and carelessly operating a vehicle in a manner which endangered persons and property, in violation of ORS 811.135 and ORS 811.140.

10.

As a direct and proximate result of Defendant Singh's negligence *per se*, Plaintiff sustained the injuries and damages set forth in paragraphs 5-7.

THIRD CLAIM FOR RELIEF
AGAINST DEFENDANT NORTHWEST FREIGHTWAY INC
(Negligent Hiring)

11.

Plaintiff re-alleges and incorporates all preceding paragraphs of this complaint as if fully set forth herein.

12.

Defendant Northwest Freightway Inc had a duty to have adequate policies and procedures in place to ensure that employees it hires to drive its vehicles are competent, safe, adequately trained and qualified.

13.

Defendant Northwest Freightway Inc was negligent in hiring an unsafe and incompetent driver, Defendant Singh, as an employee of Northwest Freightway Inc and for failing to have adequate policies and procedures in place to prevent the same.

14.

1 Defendant Northwest Freightway Inc's negligence in hiring an unsafe and incompetent
2 driver was a foreseeable and proximate cause of the injuries and damages to Plaintiff as set
3 forth in this complaint.

4 **FOURTH CLAIM FOR RELIEF**
5 **AGAINST DEFENDANT NORTHWEST FREIGHTWAY INC**
6 **(Negligent Training)**

7 15.

8 Plaintiff re-alleges and incorporates all proceeding paragraphs of this complaint as if
9 fully set forth herein.

10 16.

11 Defendant Northwest Freightway Inc had a duty to have adequate driver training
12 policies and procedures in place to prevent injury and deaths from collisions on the road and to
13 adopt a system to ensure that Defendant Singh and other employees receive driver safety
14 training.

15 17.

16 Defendant Northwest Freightway Inc had a duty to properly and sufficiently train
17 Defendant Singh and its employee drivers in safe driving including using sound judgment,
18 making safe choices, avoiding driving distractions and slowing or stopping to accommodate the
19 flow of traffic.

20 18.

21 Defendant Northwest Freightway Inc's training policies and procedures were
22 inadequate and failed to adequately train Defendant Singh to use sound judgment, make safe
23 driving choices, avoid driving distractions, slow or stop to accommodate the flow of traffic, and
24 engage in safe driving practices and techniques before placing him in an employment position
25 where his core job responsibility was driving.
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19.

Defendant Northwest Freightway Inc failed in its duty and was negligent when it chose not to have in place and/or chose not to follow proper policies and procedures, resulting in the inadequate training of drivers who were unqualified and incompetent to exercise sound judgment and safely operate a vehicle.

20.

Defendant Northwest Freightway Inc's negligence in failing to properly train Defendant Singh was a foreseeable and proximate cause of the injuries and damages to Plaintiff as set forth in this complaint.

FIFTH CLAIM FOR RELIEF
AGAINST DEFENDANT NORTHWEST FREIGHTWAY INC
(Negligent Supervision)

21.

Plaintiff re-alleges and incorporates all preceding paragraphs of this complaint as if fully set forth herein.

22.

Defendant Northwest Freightway Inc has a duty to have adequate policies and procedures in place to ensure proper and sufficient supervision of all employee drivers to ensure safe driving on public roads.

23.

Defendant Northwest Freightway Inc failed to implement those policies and failed to supervise Defendant Singh to ensure he was using sound judgment, practicing safe driving in the scope of his employment and was competent to drive on August 10, 2020.

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24.

Defendant Northwest Freightway Inc failed in its duty to supervise Defendant Singh and was negligent when it chose not to have in place and/or chose not to follow proper policies and procedures, resulting in the inadequate supervision of Defendant Singh.

SIXTH CLAIM FOR RELIEF
AGAINST DEFENDANT NORTHWEST FREIGHTWAY INC
(Negligent Retention)

25.

Plaintiff re-alleges and incorporates all preceding paragraphs of this complaint as if fully set forth herein.

26.

Defendant Northwest Freightway Inc has a duty to have adequate policies and procedures in place to ensure that if its employee drivers cannot exercise sound judgment while driving a company truck on public roads, and cannot be retrained, that they would terminate and not retain such employee drivers to drive company vehicles on public roads.

27.

Defendant Northwest Freightway Inc failed to both retrain Defendant Singh, and after learning that Defendant Singh could not be retrained to exercise sound judgment while driving a company truck on public roads, failed to terminate him from driving company vehicles on public roads.

28.

As a result, Defendant Northwest Freightway Inc failed in its duty to terminate Defendant Singh and was negligent when it chose to retain him to drive company trucks, both of which were a foreseeable and proximate cause of the injuries and damages to Plaintiff as set forth in this complaint.

29.

Defendant Northwest Freightway Inc's negligence in failing to properly supervise Defendant Singh was a foreseeable and proximate cause of the injuries and damages to Plaintiff, as set forth in this complaint.

PRAYER FOR RELIEF

WHEREFORE Plaintiff prays for judgment against Defendant under all causes of action as follows:

- a. For her non-economic damages in an amount to be determined by the jury, but not to exceed \$2,000,000.00;
- b. For her past medical expenses in the amount of \$29,208.84;
- c. For her future medical expenses in the amount of \$48,475.00;
- d. For wage loss, impairment to her earning capacity and future lost wages in the amount of \$240,240.00;
- e. For her costs and disbursements incurred in this action, and any other remedy the Court deems reasonable.

DATED this 3rd day of August, 2022

THE JOHNSTON LAW FIRM, P.C.



Marc A. Johnston, OSB No. 052949
Attorney for Plaintiff